

### REMARKS

Claims 1-54 are pending in the application.

Claims 9-12 and 34-37 are allowable.

Claims 1-8, 13, 17-33, 38, 42-44, and 46-50 are rejected under 35 U.S.C. §103(a) as being unpatentable over Labedz in view of Kotzin et al. (Kotzin) in view of Proctor. Claims 16 and 41 are also deemed unpatentably over Labedz in view of Kotzin and Proctor and further in view of Vaara. Claims 14, 15, 39, 40 and 45 are rejected under 35 U.S.C. §103(a) as being unpatentable over Labedz in view of Kotzin and Proctor and further in view of Gilhousen et al.

Each of applicant's independent claims, including claims 19, 27 and 49, recite that each transceiver station has a communications path connecting it to the base station controller and the base station controller assesses the communication path. Thus, the Applicant's claimed invention assesses the path from the base transceiver station to the base station controller.

In addition applicant claims an informing unit which generates assessment signals, indicating the results of the assessment of said communications paths and which transmits such assessment signals to the base, transceiver stations of said plurality.

As pointed out in the Office Action the Labedz reference fails to disclose the communication path assessment according to predetermined characteristics and preventing the transfer of a receive uplink signal based on the characteristics. Labedz's analyzes the wireless path based on the pilot signal from the mobile station to the base station.

In addition the Office Action points out that Labedz fails to show the informing unit (page 2, Office Action).

In the Office Action Kotzin is cited, for example Figs. 3 and column 5, lines 1-26 for showing an assessment of speech signals through links from a plurality of base station receivers in the case of soft handoff.

However in reviewing this section, the reference states that the selector function has been introduced to identify, on the basis of a cyclic code parity check or some other demodulation quality metric, which of the three coded speech frames should be accepted for decoding by a speech decoder.

The Office Action points to the selector switch in Kotzin to show applicant's claimed informing unit.

However Applicant claims the informing unit transmits such assessment signals to the base transceiver stations of said plurality. In contrast Kotzin only states the selector function has been introduced to identify which of the three coded speech frames should be accepted for decoding by a speech decoder. Kotzin does not describe that an assessment signal is transmitted to the base transceiver stations of said plurality.

Also the reference Kotzin states the selector function has been introduced to identify which of the three coded speech frames should be accepted for decoding by a speech decoder.

Thus, the reference is describing the selection of one of the three coded speech frames. In contrast applicant's assessment of the communications path which is defined in the claim as connecting the base transceivers station to the base station controller.

Applicant is assessing a communication path connecting the base transceivers station to the base station controller while Kotzin describes selecting a speech frame. Kotzin does not suggest assessing such a communications paths.

Independent claims 1, 30 and 44 also call for assessing the path from the base transceiver station to the base station controller, whereas Labedz discloses an analysis of the wireless link between the mobile station and the base station as indicated above.

None of the references suggest assessing a communication path connecting the base transceivers station to the base station controller. None of the cited references suggest transmitting such assessment signals to the base transceiver stations of said plurality.

In each rejection Labedz is referred to as teaching the path between the base station and the base station controller while Labedz discloses a path between the base station and the mobile station and Kotzin discloses selecting one of three speech frames. None of the secondary references cited by the Examiner, even if taken in combination with the primary reference, suggest any hint that could lead to the present invention as claimed.

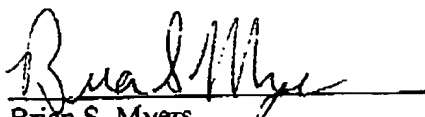
It is respectfully submitted that claims 1-8, 13, 17-33, 38, 42-44, and 46-50 are different from and non-obvious in view of the combination of Labedz, Kotzin, and Proctor. The combination fails to teach or suggest each feature in applicant's claims and these claims should be allowed.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested.

If for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is invited to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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